REMARKS/ARGUMENTS

This Amendment is filed in response to the final Office Action dated August 19, 2009. In the Office Action, Claims 1-3, 7-11, 13, 14, 18, and 19 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Published Patent Application 2005/0038758 to Hilbush et al. ("*Hilbush*"). Claims 12 and 15-17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hilbush* in view of U.S. Published Patent Application 2004/0211834 to Fleckenstein et al. ("*Fleckenstein*"). The listed rejections are addressed below. For the Examiner's reference, Claims 20-86 were previously withdrawn in response to a restriction requirement and Claims 4-6 were cancelled. In the current Amendment, Applicants have amended Claim 1. Thus, Claims 1-3 and 7-19 remaining pending for the Examiner's consideration in the current application.

Claim Rejections under 35 U.S.C. § 102(b)

Claims 1-3, 7-11, 13, 14, 18, and 19 have been rejected under 35 U.S.C. § 102(b) as being anticipated by *Hilbush*. The rejection of each claim is addressed below.

Independent Claim 1

On Page 3 of the Office Action, Claim 1 has been rejected as being anticipated by *Hilbush*. Applicants respectfully submit that *Hilbush* fails teach or suggest each and every element of amended Claim 1. For example, amended Claim 1 recites the step of using a computer system over the Internet to register a customer with an alternate delivery location (ADL) service provider to receive a product at an alternative delivery location (ADL) other than the customer's home or business address ***before*** purchase of the product by the customer, wherein the customer selects the ADL from a list of ADLs provided by the computer system and the ADL is stored in memory of the computer system. The Examiner has asserted that these features of Claim 1 are disclosed in the Abstract and paragraph [0191] of *Hilbush*. However, Applicants respectfully disagree.

Hilbush describes a system and methods for shipping a package from a package sender to an intended recipient, utilizing Internet communications to place shipping orders, request on demand package pickup, maintain and utilize prestored profile information, view shipping history, track orders, etc. *See* Abstract. Specifically, *Hilbush* provides a shipping system and method accessible by a package sender's computer through a network, such as the Internet. *See* ¶ [0011]. This shipping system and method process information associated with a package handled by a shipping service provider in connection with delivery of the package to an intended recipient. *See* ¶ [0012]. In various embodiments, the system and method include: (1) an order-receiving system and method operative to receive a customer-entered order (via a computer) and communicate the customer-entered order to a dispatch system; (2) a dispatch system and method operative to generate a dispatch order for pick up of the package; and (3) a communication system and method for communicating the dispatch order to a selected service person. *Id.*

The Abstract of *Hilbush* provides a general description of the system and method disclosed in *Hilbush*. Paragraph [0191] of *Hilbush* describes steps for a user setting up shipping preferences. In particular, paragraph [0191] describes the step of setting up shipping preferences in which the user's input is received to set or make changes to the shipping preferences, set and/or verify service type from a drop-down list, set and/or verify package type from a drop-down list, set and/or verify a shipping start page from a drop-down list, verify shipment history, set and/or verify a pick up time, cancel changes, or update the changes.

Therefore, although *Hilbush* may describe setting up shipping preferences, *Hilbush* fails to disclose or suggest setting up an alternative delivery location (ADL) other than the customer's home or business address before purchase of a product. As shown, the shipping preference routine of *Hilbush* allows a user to set or verify service type, package type, a shipping start page, shipment history, and pick up time. None of these options equate to an alternative delivery location.

Furthermore, amended Claim 1 recites the step of receiving the product at the ADL for pickup by the customer, wherein the product is purchased by the customer and is shipped via a

carrier not associated with the ADL service provider. The Examiner has asserted that paragraphs [0012] and [0013] of *Hilbush* disclose this feature. However, Applicants respectfully disagree.

Paragraph [0012] provides a general description of the invention presented in *Hilbush*. As previously mentioned, in various embodiments, the system and method include: (1) an order-receiving system and method operative to receive a customer-entered order (via a computer) and communicate the customer-entered order to a dispatch system; (2) a dispatch system and method operative to generate a dispatch order for pick up of the package; and (3) a communication system and method for communicating the dispatch order to a selected service person. Further, paragraph [0013] describes the package information processing component associated with the order-receiving system. This component is configured for processing information entered by the customer and for validating the information prior to generating the dispatch order.

The Examiner has suggested that the sentence of the paragraph [0013] that recites "[t]he order to ship a package may be an on call order for the shipping service provider to pick up the package at a place selected by the customer, or at a drop box, and deliver the package to the intended recipient" discloses the step of Claim 1 of receiving the product at the ADL for pickup by the customer, wherein the product is purchased by the customer and is shipped via a carrier not associated with the ADL service provider.

However, Applicants respectfully point out that this sentence in paragraph [0013] of *Hilbush* describes an order to ship a package. Specifically, the order is a call order for a shipping service provider to pick up the package at a place selected by the customer or at a drop box. Further, the order directs the shipping service provider to deliver the package to the ***intended recipient***. Nothing in this sentence discloses or suggests receiving the product at an alternative delivery location (ADL). Furthermore, nothing in this sentence discloses or suggests shipping the product via a carrier ***not associated*** with the ADL.

For these reasons, Applicants respectfully submit that *Hilbush* fails to teach or suggest each and every element recited in amended Claim 1. Accordingly, Applicants respectfully request the Examiner to withdraw the current rejection of Claim 1 under § 102(b).

Dependent Claims 2, 3, 7-11, 13, 14, 18, and 19

Claims 2, 3, 7-11, 13, 14, 18, and 19 have been rejected as being anticipated by *Hilbush*. These claims depend from independent Claim 1 and therefore include all the elements of Claim 1 plus additional elements that further define the invention over the prior art. Accordingly, for at least the reasons set forth above in regard to independent Claim 1, Applicants respectfully assert that these claims are also in condition for allowance and respectfully request the Examiner to withdraw the current rejection of these claims under § 102(b).

Claim Rejections under 35 U.S.C. § 103(a)

Claims 12 and 15-17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hilbush* in view of *Fleckenstein*. These claims depend from independent Claim 1 and therefore include all the elements of Claim 1 plus additional elements that further define the invention over the prior art. Accordingly, for at least the reasons set forth above in regard to independent Claim 1, Applicants respectfully assert that these claims are also in condition for allowance and respectfully request the Examiner to withdraw the current rejection of these claims under § 103(a).
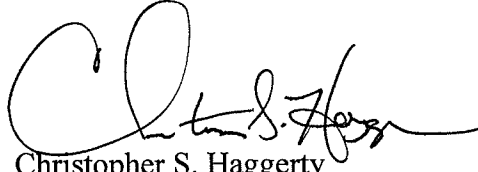
Conclusion

The foregoing is submitted as a full and complete response to the final Office Action mailed August 19, 2009. The foregoing amendments when taken in conjunction with the appended remarks, is believed to have placed the present application in condition for allowance, and such action is respectfully requested. The Examiner is encouraged to contact Applicants' undersigned attorney at (404) 881-7640 or e-mail at chris.haggerty@alston.com to resolve any remaining issues to expedite examination of the present application.

The patentability of the independent claim has been argued as set forth above and thus Applicants will not take this opportunity to argue the merits of the rejection with regard to each dependent claim. However, Applicants do not concede that the dependent claims are not independently patentable and reserve the right to argue the patentability of the dependent claims at a later date if necessary.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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